

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

STEVEN BYERS, and  
JOSEPH SHERESHEVSKY,

**NOTICE OF PRETRIAL  
MOTIONS FOR DEFENDANT  
JOSEPH SHERESHEVSKY**

S1-08-cr-1092 (DC)

Defendants.

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PLEASE TAKE NOTICE, that upon the annexed declaration of Michael O. Hueston, Esq., dated February 16, 2010, and the exhibits attached thereto, the accompanying memorandum of law, dated February 16, 2010, and upon all prior proceedings held herein, defendant will move before the Honorable Denny Chin, United States District Judge, at the United States Courthouse for the Southern District of New York, on March 24, 2010, for the following relief: (1) an order striking those portions of the Indictment that are surplusage pursuant to Fed. R. Crim. Pro. 7(d); (2) an order directing the government to provide advance notice of all evidence it intends to offer at trial against him pursuant to Fed. R. Evid. 404(b); (3) reservation of the right to make motions on evidence not yet received; and (4) such other and

further relief as the Court may deem just and proper.

Dated: New York, New York  
February 16, 2010

Respectfully submitted,

s/  
MICHAEL O. HUESTON, ESQ.  
*Attorney for Defendant Joseph  
Shereshevsky*  
350 Fifth Avenue, Suite 4810  
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RICHARD H. ROSENBERG, ESQ.  
*Attorney for Defendant Joseph  
Shereshevsky*  
217 Broadway, Suite 707  
New York, New York 10007  
(212) 586-3838

To: Lisa Baroni, Esq.  
Assistant United States Attorney

**DECLARATION OF SERVICE**

Michael O. Hueston, Esq. declares under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following is true and correct:

On February 16, 2010, I served the annexed Notice of Defendant's Pretrial Motions, Memorandum of Law in Support, and Declaration in Support, on:

Lisa Baroni, Esq.  
Assistant United States Attorney  
United States Attorney for the  
Southern District of New York  
One St. Andrew's Place  
New York, New York 10007

Defense Counsel

- BY ELECTRONIC CASE FILING
- BY HAND
- BY FIRST CLASS MAIL
- BY FACSIMILE WITH PERMISSION

Dated: New York, New York  
February 16, 2010

s/ \_\_\_\_\_  
MICHAEL O. HUESTON, ESQ.  
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